

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 963-2741

RECEIVED

MAY 1 1995

FCC MAIL ROOM

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20036

SUBJECT: RM-8577

To Whom It May Concern:

The City of St. Helena has recently become aware of the Cellular Telecommunications Industry Association's petition (RM-8577) to have the Federal Communications Commission preempt local governments from enforcing zoning or similar regulations regarding telecommunication facilities. We wish to convey St. Helena's opposition to this petition and proposed rule.

St. Helena staff is currently participating in a joint committee with Napa County planning staff to develop Napa County general plan policies and clear standards for siting of telecommunications facilities. We will be involving industry representatives and interested citizens in this development. Our interest is to find the proper balance between the need for these facilities and the need to protect public health, safety, neighborhood compatibility, and scenic resources. In achieving this balance, we will meet the desire for tower site regulations which ensure the availability of ubiquitous, competitive and efficient services consistent with the public interest. The placement of telecommunication facilities in Napa County will also impact local jurisdictions such as St. Helena.

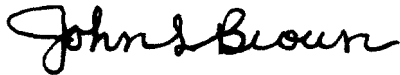
In opposing this measure, we would like to emphasize that we fully recognize and accept our responsibility to provide for a full range of communications services for the public. We believe that local government is the level most accountable to the uniquely local concerns which arise in conjunction with facility siting, and is best suited to ensure that sufficient choices are available to the industry for meeting the demand for telecommunication facilities.

No. of Copies rec'd _____
List A B C D E _____

0

Please contact the St. Helena Planning Department at (707) 963-2741 if the City of St. Helena can be of assistance. Thank you in advance for your favorable consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "John L. Brown".

John L. Brown
Mayor

c: Senator Barbara Boxer
Senator Diane Feinstein
Congressman Frank Riggs
Congresswoman Lynn Woolsey
Acting Secretary William Caton, F.C.C.

RECEIVED

STATE OF CALIFORNIA

PETE WILSON, Governor

PUBLIC UTILITIES COMMISSION

1 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FEB 22 1995

PLANNING DEPT.
CITY OF ST. HELENA



February 24, 1995

IMPORTANT NOTICE

**The Ultimate Jurisdiction for Planning/Land Use Decisions on
Siting and Relocating Cellular and Other Wireless Communications
Towers and Transmitters Could be Transferred to Washington -- to the FCC**

We are notifying you about a proposal to *"preempt state and local governments from enforcing zoning and other similar regulations"* with respect to locating and constructing new towers for wireless communications facilities.

Currently, the California Public Utilities Commission (CPUC) issues authority for cellular utilities to construct, install and modify facilities, but only after ensuring that the cellular utilities have first obtained the necessary local permits or approvals -- a way to assure that local community issues have been fully weighed. We try hard to get cellular utilities to abide by local community requirements. Recently, the CPUC settled an investigation of approximately 160 sites of Los Angeles Cellular Telephone Company (LACTC) for \$4.2 million. Additionally, LACTC settled an investigation into three sites for approximately \$725,000 for misrepresentation to the CPUC, premature construction, and permitting deficiencies. GTE Mobilenet was also recently fined \$343,000 for cellular siting violations.

However, an organization representing cellular utilities is petitioning the Federal Communications Commission (FCC) to preempt the CPUC and local government functions like your department's. Moving jurisdiction to Washington is not empowering the states, and it puts local community issues before decision makers located thousands of miles away. The assumption is that communities must routinely deny permits, but I know of no such instances. Local community land use considerations accommodate the placement of towers and transmitters, and wireless service has been extended to consumers. It is important for local communities to know about this if they are to have a voice in what happens. Enclosed are some details.

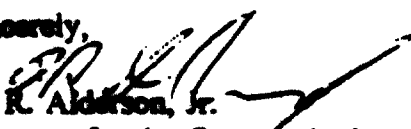
You should, if you've views to express, do several things, including:

1. Contact members of the California Congressional delegation;
2. Write to the FCC Commissioners [Commissioner Rachelle Chong is from the Stockton Area]; and
3. File a formal response or pleading with the FCC.

As you may know, the CPUC is holding informal workshops (next workshop in San Francisco on March 6, 1995) on whether the CPUC should basically "give back" its oversight so local communities and courts would have ultimate jurisdiction, and just as that dialog was starting (albeit without much participation by counties and cities), the cellular utilities initiated the proposal to sidestep local requirements and seek FCC preemption-- they seek to trade-off local community and state review for a scheme to give themselves maximum flexibility and move any challenges to a forum thousands of miles away.

For more details, call Mr. DeUllio (415-703-1998) or Ms. Youngsmith (703-2088).

Sincerely,


Ira R. Alderson, Jr.
Attorney for the Commission's
Safety and Enforcement Division

00043